DOCUMENT RESUME

ED 153 332 95 EA 010 517

AUTHOR Mastalli, Grace L.
TITLE Sex Bias: Education Legislation and Regulations.
INSTITUTION National Advisory Council on Women's Educational Programs, Washington, D.C.
SPONS AGENCY Department of Health, Education, and Welfare, Washington, D.C.
PUB DATE Dec 77
NOTE 34p.; Not available in paper copy due to light print of original document

EDRS PRICE MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS Community Involvement; Education; Elementary Secondary Education; *Equal Education; *Federal Legislation; *Federal Regulation; Females; Higher Education; *Sex Discrimination; *Sex Stereotypes; Womens Education
IDENTIFIERS Career Education Incentive Act; Civil Rights Act 1964 Title IV; Education Amendments 1976 Title III; Elementary Secondary Education Act; Higher Education Act 1965 Title IV; Higher Education Act 1965 Title VIII; Womens Educational Equity Act

ABSTRACT

This is one of five papers the National Advisory Council on Women's Educational Programs has commissioned to identify key problems, describe exemplary efforts to promote sex fairness, and recommend practical changes in Education Division policy and practice that would improve equity for women. This report focuses on seven major programs--each presented in a separate chapter--that represent the spectrum of federal involvement rather than its sum. The introduction contains recommendations for certain types of changes that could be made in almost all programs to further the attainment of educational equity for women and girls. Specific reviews and recommendations for each piece of legislation are included in the separate chapters. An appendix contains a general guide to analysis of legislation and regulation that would be useful to lay persons performing their own analyses. The legislation considered is the Elementary and Secondary Education Act; the Women's Educational Equity Act; the Career Education Incentive Act; the Higher Education Act of 1965, Title IV; the Civil Rights Act of 1964, Title IV; the Higher Education Act of 1965, Title VIII; and the Education Amendments of 1976, Title III. (Author/IRT)

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Sex Bias: Education Legislation and Regulations

Grace L. Mastalli

for
The National Advisory Council on Women's Educational Programs

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Washington, DC
December, 1977

EA 010 517

National Advisory Council on Women's Educational Programs

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Jon Fuller
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Great Lakes Colleges Association
Ann Arbor, Michigan

Thera Johnson
Career Specialist
Weber School District
Ogden, Utah

Bernice Sandler
Director, Project on the Status
and Education of Women
Association of American Colleges
Washington, D.C.

Theresa de Shepro
Lecturer
School of Social Work
University of Washington
Seattle, Washington

Sister Joyce Rowland
President
College of Saint Teresa
Winona, Minnesota

Gerald Weaver
Director of Public Information
Mississippi University for Women
Columbus, Mississippi

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Preface

The National Advisory Council on Women's Educational Programs was created by law in 1974 to advise the Assistant Secretary for Education, the President and the Congress on all Federal education programs as they affect girls and women. Responding to this mandate, the Council has commissioned five papers addressing the following questions: (1) To what extent do women participate in management and policy development in the Education Division?* (2) What efforts are made to assure sex fairness in the distribution and use of Federal funds? (3) What is the impact of Education Division programs on girls and women? (4) How sex fair are communications, products and dissemination strategies? (5) What changes are needed in legislation, regulations and enforcement to prevent sex discrimination and overcome sex bias and sex stereotyping?

These papers grew out of the Council's desire to follow up recommendations made in 1972 by and internal Office of Education Task Force. The Task Force report, *A Look at Women in Education: Issues and Answers for HEW,* documented discrimination against women throughout the nation's education system and made thirty-three recommendations for change in U.S. Office of Education practices. A follow-up report entitled *Challenging Sex Discrimination Through Organizational Reform (1975),* by Holly Knox and Mary Ann Millsap, two of the original Task Force members, found that little had been done to implement these recommendations. The Council wanted to know what has been done since.

It became clear that -- because of internal reorganizations within the Education Division, changes in legislation and changes in personnel -- simply tracing the original recommendations would not give an accurate picture of either accomplishments or needs. Therefore, the concept of the review was expanded to include a general analysis of what efforts the Education Division has made to improve opportunities for girls and women** and what obstacles to equality of the sexes remain. The 1972 report is the baseline against which progress is measured.

These reports aim to identify key problems, describe exemplary efforts to promote sex fairness, and recommend practical changes in Education Division policy and practice that would improve equity for women. The substance of this report was prepared by Grace Mastalli and edited by Frank Till.

**The Education Division comprises the Office of Education, the National Institute of Education, the Fund for the Improvement of Postsecondary Education, the National Center for Education Statistics, and the Office of the Assistant Secretary.*

***The term women as used in these reports includes both minority and non-minority women. The Council is fully aware of, and deeply concerned about, the double burden of discrimination borne by minority women. Wherever possible, minority women are discussed as a special subgroup.*

Introduction

Due to the expanding role Congress and the Executive play in education, a full review of education related legislation and regulations is beyond the resources of the Council. Therefore, this report focuses on seven major programs -- each presented as a separate chapter -- which represent the spectrum of Federal involvement rather than its sum. In the course of the review, it became apparent that there were certain types of changes which could be made in almost all programs to further the attainment of educational equity for women and girls. In the interests of brevity and clarity these are presented as part of this introduction and are usually omitted from the individual reviews and recommendations which are the chapters. Thus the recommendations for each specific program are *supplemental* to the general recommendations.

Appendix "A" contains a general guide to analysis of legislation and regulations which should be useful to lay persons performing their own analyses.

While it is standard practice to include a summary of recommendations in the beginning of reports such as these, so much of the text is recommendations that no such summary is feasible. The Council has formally commented in depth on nearly all of the programs contained in this report -- or will do so in the immediate future -- and will gladly share those detailed comments on request.

LEGISLATION:
SUMMARY RECOMMENDATIONS OF GENERAL
CHANGES NEEDED IN FEDERAL EDUCATION LEGISLATION
TO PREVENT SEX DISCRIMINATION AND OVERCOME
SEX BIAS AND SEX STEREOTYPING IN EDUCATION PROGRAMS
AND ACTIVITIES

Sex discrimination issues need to be specifically addressed within almost all education program legislation. The education program and activities administered by the Department of Health, Education and Welfare should provide the means to infuse sex fair practices, concepts and materials into all aspects of the educational process. In addition, programmatic legislation should authorize activities needed to overcome the effects of past discrimination on the basis of sex, to eliminate bias and stereotyping from educational programs and to prevent future discrimination, bias and stereotyping. Such activities, programs and/or research to promote educational equity for women and girls should be detailed and specifically identified in each relevant statute section. This will encourage strong program regulations and the mainstreaming of sex fair concepts.

The following are the type of provisions which should, when feasible, be included in education legislation to address the problems of sex discrimination, bias and stereotyping:

1. Federal education and training statutes should be drafted in language that is neutral in relation to sex. Such neutral language could include the use of the pronoun combinations she/he, her/him, and hers/his, to replace third person singular pronoun(s), and/or plural constructions to avoid third person singular pronouns. Exceptions to this recommendation would be those few instances where the legislative provision is specifically intended to prevent sex discrimination and/or to overcome sex bias and sex stereotyping; where no sex-neutral substitute exists; where the reference is to a physical characteristic unique to some or all members of one sex; or where the Constitutional right to privacy requires a sex-specific reference.

2. The DEFINITIONS should state that . . ."activities under this act are free of, or designed to eliminate sex bias and stereotyping. . ." *or*

   ". . . activities under this act are free of, or designed to eliminate bias and stereotyping (including bias or stereotyping on account of race, sex, age, national origin or handicap).

3. The STATEMENT OF PURPOSE should include: ". . . promoting equal opportunity through the elimination of bias and stereotyping (including bias and stereotyping on account of race, sex, age, national origin or handicap) in such programs and activities, and to . . ." *or*

   "to promote equal opportunity by fostering the elimination of sex bias and sex stereotyping. . ."

4. The STATE PLAN or other application provisions, where appropriate, should require the inclusion of statements detailing what procedures the recipient agencies will follow to foster the elimination of sex bias and stereotyping including activities designed to overcome the effects of past discrimination.

5. The DATA COLLECTION, REPORTING AND ANALYSIS provisions should require that data be collected by sex, race and ethnicity simultaneously (and when appropriate by age and/or handicapped status) in order to identify any differential treatment of, or disparate program impact on, women and girls in general, or minority women and girls in particular.

6. MATERIALS DEVELOPMENT provisions should include instructions that all materials developed with Federal funds must be non-sex-stereotyped and bias free. Where appropriate, language should be added to encourage training and the development of materials designed to counter the adverse effects of sex biased materials already in use.

7. IMPACT STUDIES provisions mandating studies of the program impact on women and girls should be included in both formula and discretionary funding programs.

8. ELIGIBILITY REQUIREMENTS should be both facially neutral and non-discriminatory on the basis of sex in impact.

9. CRITERIA FOR THE DISTRIBUTION OF FUNDS by formula or discretionary process should ensure sex fair distribution and provide for non discriminatory impact on the basis of sex, including earmarking 10% of each discretionary program's funds for projects making a special contribution to equity for women and girls.

10. AUTHORIZATION AND APPROPRIATION LEVELS should be sufficient to ensure staff and resources to effectively carry out the provisions addressing the issues of sex discrimination, bias and stereotyping. At least 10% of the appropriation for each discretionary program should be earmarked for making a special contribution to educational equity for women and girls.

11. Provisions creating Education Division bureaus, offices or equivalent subdivisions should also establish a position of SPECIAL ADVISOR ON WOMEN'S ISSUES to assist the bureau chief, Deputy Commissioner or Program Director.

REGULATIONS:

SUMMARY RECOMMENDATIONS OF GENERAL CHANGES
NEEDED IN FEDERAL EDUCATION REGULATIONS* TO
PREVENT SEX DISCRIMINATION AND OVERCOME SEX BIAS AND
SEX STEREOTYPING IN EDUCATIONAL PROGRAMS AND ACTIVITIES

1. All Education Division program regulations should include a statement to the effect that Federal financial assistance under this program is subject to the civil rights requirements of Title IX of the 1972 Education Amendments (45 C.F.R. Part 86) and Title VI of the 1964 Civil Rights Act (45 C.F.R. Part 80).

2. Education Division program regulations should be drafted using sex-neutral terminology, including gender neutral pronouns, in all appropriate instances. Revision of existing regulations should include the elimination of both sex-based references and generic male pronouns. Such neutral language could include the use of the pronoun combinations she/he, her/him, and hers/his, to replace third person singular pronoun(s), and/or plural constructions to avoid third person singular pronouns. Exceptions to this recommendation would be those few instances where the legislative provision is specifically intended to prevent sex discrimination and/or to overcome sex bias and sex stereotyping; where no sex-neutral substitute exists; where the reference is to a physical characteristic unique to some or all members of one sex; or where the Constitutional right to privacy requires a sex-specific reference.

3. PREAPPLICATION PROCEDURES for Education Division discretionary grant programs should be retained in those instances where they presently exist and instituted by amendment of the regulations for all other appropriate programs.

Under Section 431 of the General Education Provisions Act (GEPA) the term "regulation" means any rules, regulations, guidelines, interpretations, orders or requirements of general applicability.

4. Citizen Participation in Rule Making

On November 10, 1976, then Secretary of Health, Education and Welfare, David Mathews, issued a request for public comment concerning citizen participation in the development of regulations. The effort to solicit public input has carried over into the Califano administration of HEW. Increasingly, the question is less *whether* citizen input -- including that of governmental and quasi-governmental agencies and advisory councils -- will be solicited, than *how* such solicitation should take place.

Recent developments -- including an unprecedented request for public comments on a proposed Executive Order to improve government regulations, and two HEW initiatives to bring simplicity and clarity into both existing and new regulations (all published simultaneously in the November 18, 1977 *Federal Register*) -- have emphasized the commitment of the Carter Administration to citizen participation.

In implementing the new regulation development and review procedures, it is imperative that the solicitation of public input not become a device whereby the administration may pick and choose the issues it wishes to address, and that the optional use of Notices of Intent for most regulations not serve to restrict public debate. Ultimately, it is critical that the concern with process evident in the initiatives of the past year work to improve content as well as adminstrative flow -- and that content not be sacrificed for flow.

Citizen Participation: Recommendations

A. The Notice of Intent appears to be a useful concept. It will be essential for such notices to be disseminated widely and certainly far beyond the subscribers to the *Federal Register*. We suggest that the Notice of Intent be used only in connection with what are expected to be controversial regulations.

B. Publication of the schedule for the development of regulations can also be a useful tool for the interested public. We suggest that an important element of such scheduling be a prompt beginning for the process. It is obvious, of course, that statues are in effect whether or not implementing regulations have been published or are in process. Therefore, it becomes essential that the development of regulations begin speedily upon enactment of legislation.

C. Distribution of copies of a draft Notice of Proposed Rule Making appears also to be helpful to the public. We suggest that the availability of such drafts be published in the *Register* and that drafts be furnished upon request at the expense of the Department. Drafts might be sent automatically to all who have responded to the Notice of Intent previously published.

D. We believe that it is desirable for the Secretary to approve Notices of Proposed Rule Making on controversial and

complex regulations. This can avoid longer delays when the later stage of the regulation reaches the Secretary for final approval. On the other hand, it is common sense for the Secretary to delegate authority to sign off on the many non-controversial and routine regulations which the Department issues.

E. Again, the publication of a Notice of Proposed Rule Making with unresolved issues being identified as such appears to be a step toward involving the public in key questions at a stage when their views can be effective. We endorse this suggestion.

F. Extension of the comment period on NPRMs should be tied to the degree of controversy and complexity involved in each case. One approach might be to have a regular comment period of 30 days but a policy of acquiescing readily in requests for extensions from affected groups.

G. We believe that in many cases regulations have been written with concern and attention given to the impacted institutions and recipients but often with insufficient thought and attention given to the constituency or beneficiary population for whom the statute was enacted. In addition to the standards suggested, we strongly recommend that any such standards consider explicitly the interests of the beneficiaries as well as the institutions or persons directly affected by any regulation being developed.

H. Analysis of comments often appears to rely heavily on sheer numbers of comments received. Although such "comment counts" may be useful for determining the depth of the constituency on any particular issue, we suggest that the framework of analysis focus explicitly on fulfilling the intent of a statute, and that the quantities of comments be explicitly relegated to a very minor role. One manner in which this might be accomplished is through a statement of policy in the introductory texts of NOI's and NPRM's.

5. All Education Division regulations should include adequate provisions to insure that at least 10% of each discretionary program's funds are expended for projects making a special contribution to equity for women and girls.

I.
The Women's Educational Equity Act

THE WOMEN'S EDUCATIONAL EQUITY ACT
(P.L. 93-380 section 408)

INTRODUCTION

Enacted August 21, 1974, the Women's Educational Equity Act (WEEA) is one of seven programs which comprise the Special Projects Act of the omnibus Elementary and Secondary Education Act (ESEA). Scheduled for reauthorization this year (1978) as part of ESEA, WEEA is a discretionary grants program run by the Women's Program Staff of the Office of Education within the Department of Health, Education and Welfare. Its primary mission has been to provide, through grants and contracts, educational equity for women and girls. To date, the strategy employed by the program has been to use its limited funds for projects with high replicability and/or wide direct impact.

In addition to this function, the Act authorized the creation of the National Advisory Council on Women's Educational Programs to advise on the attainment of educational equity. The Council's work has gone considerably beyond focusing on administration of the WEEA program, as reflected in its reports. The recommendations for changes to the statute include an expansion of the Council's mission so that its work might reach even more effectively into Federal education and equity programs in the coming years.

Of central importance is the recommendation that the statute be revised to permit a "two-tier" approach to achieving educational equity: continuing the present focus and adding a second component which would permit the award of local "incentive" grants. It is the Council's belief that such awards should be closely keyed to the implementation of statutes prohibiting sex discrimination, bias and stereotyping, especially Title IX (1972 Education Amendments; P.L. 92-318), and that the "two-tier" approach is critical if WEEA is to meet its mandate.

Due to the special relationship between the Advisory Council and WEEA -- and because the Council feels that WEEA, as described in the recommendations which follow, could have greatly enhanced impact on educational equity for women and girls across all program lines -- the recommendations for changes to the statute are developed in greater detail than those for most others included in this report.

RECOMMENDATIONS

1. The Act should reflect a two-tier approach to attainment of educational equity for women and girls:

   A. Funds should be provided for activities with national, regional or statewide impact, including development, demonstration and dissemination activities; these activities should receive priority for funding under WEEA;

   B. Incentive and other grants to encourage educational equity at the local level should be authorized.

   Rationale: Targeting specific amounts of resources for projects with broad impact -- either through replicability or direct effect on the national educational equity climate -- is a

particularly cost-effective method of achieving equity. This is the rationale for the strategy used to date, and forms the underpinning of the first "tier."

Still, alleviation of the complex problems of producing a sex fair educational climate in as diverse a universe as that of the American system requires direct assistance in many cases. With this in mind, the Council recommends adoption of a second strategy for WEEA: the local incentive grant. This aid would be used to overcome financial and other legitimate resource barriers which may be impeding the implementation of Title IX and other statutory authorities prohibiting sex discrimination, bias and stereotyping.

2. The Act's purposes should be tied closely to the implementation of Title IX, and priorities should be set, in substantial part, within the context of Title IX and other laws prohibiting sex discrimination or providing educational equity by overcoming sex bias and stereotyping.

   A. Implementation programs should receive a high funding priority by legislative mandate; and
   B. The introduction and statement of purpose of the Act should state explicitly that it is the purpose of the Act to overcome sex discrimination, bias and stereotyping; such language should be modeled closely after that in the Emergency School Aid Act (ESAA; P.L. 92-318, Title VII; sections 702 and 703).

Rationale: The need for an implementation program keyed to Title IX is manifest in the record of programs which have attempted to provide assistance to educational institutions in overcoming sex discrimination, bias and stereotyping while maintaining other priorities simultaneously (e.g., Title IV of the 1964 Civil Rights Act). No programs exist which target sex equity as a primary goal in a national, comprehensive manner. These proposed revisions to WEEA would make it an approximate counterpart to the Emergency School Aid Act (ESAA), which is an essential component in the implementation of laws prohibiting race discrimination. Without such a vehicle, implementation of Title IX will continue to fall far short of the law's promise, and women and girls will continue to suffer the lifelong consequences of educational inequities now prohibited by law but common in practice.

3. In addition to problem areas addressed by Title IX, WEEA funds should be specifically available for the following:

   A. development of new curricular and instructional materials by local and state level applicants;
   B. innovative activities designed to achieve sex equity;
   C. administrative and auxiliary services;
   D. planning, evaluation and dissemination;
   E. minor school facility remodeling related to compliance activity;
   F. other costs incidental to or associated with such affirmative actions (other than payment of remedial salaries, benefits, scholarships, stipends or other forms of remedial remuneration) as may be essential to the achievement of educational equity.

Rationale: This list combines expenditures of proven effectiveness, already authorized in WEEA, with several (e.g., facilities remodeling) which reflect probable needs under the expanded mission. The list is designed to be responsive to major cost/resource barriers most frequently cited by school officials at all levels, but permits other priorities to be listed under part "F" (see recommendation #7).

Research activities, authorized under the current WEEA, should not be included in the revised legislation. Public reaction from beneficiaries and client groups has overwhelmingly opposed expenditure of WEEA funds for activities not directly related to change, and the Council concurs.

4. Authorization levels should be increased to at least $125 million, with the first $25 to $30 million of any appropriation going automatically to the general grants program, and appropriations in excess of that amount going to the local incentive grant program.

   Rationale: This will better accommodate the expanded mission and universal application of WEEA. The current authorization level of $30 million is not adequate to fund both components of the two-tier approach.

5. The Act should contain its own appropriations authorization.

   Rationale: Absent a separate appropriations authority, funding decisions will not focus adequately on the dimension of the problem the Act addresses. This has been apparent in the appropriations history of the Act to date under ESEA's Special Projects Act.

6. Small grants of up to $25,000 should be available under both components of the revised WEEA.

   Rationale: The small grant aspect of WEEA -- with a current ceiling of $15,000 -- has been received with particular enthusiasm by beneficiaries who view it as funding for change agent, non-traditional grant recipients. This recommendation reflects the continued appreciation of the Council for the value of such grants, but increases the ceiling to more realistically accommodate the costs of developing and implementing projects.

7. Priorities for funding should be set each year only after public comment.

   Rationale: Regardless of the amounts appropriated for WEEA, and no matter how carefully delivery systems are devised, demand will continue to exceed available funds. For this reason, especially given the wide range of desirable authorized expenditures, the statute should require establishment of priority areas for awards. Explicit provision should be made for participation in this process by the large constituency of this Act.

8. The mandate of the National Advisory Council on Women's Educational Programs should be retained within the Act, and expanded to include advising the Secretary of the Department of Health, Education and Welfare, and education program administrators in Federal agencies other than HEW, on general matters affecting women's educational equity as well as on the implementation and enforcement of Title IX.

   Council advice should be directly available to all Federal officials including the Secretary of HEW and other agency personnel with responsibility for education programs covered by Title IX.

9. A separate administering agency, modeled after the Fund for the Improvement of Post-Secondary Education (FIPSE), should be created within the Office of the Assistant Secretary for Education, specifically for the purpose of administering the Act with increased autonomy.

   Rationale: The current location of the program (within the Office of Education) will not adequately reflect the expanded program these recommendations call for. The Office of the Assistant Secretary is a

more appropriate location for the program in terms of greater access to public policy making for program administrators, and in the degree of visibility necessary for successful operation of a program of WEEA's proposed scope.

10. The position of the WEEA program director should be established as a "schedule C," or equivalent, position with a grade level at least equal to that of the directors of other national progrmas (e.g., FIPSE).

    Rationale: The increased rank of the program director will further reflect the commitment of the Secretary to attainment of the goal of educational equity for women and girls and will enhance liaison efforts with other programs -- a factor which will gain in importance as funds are appropriated for the incentive grant component of the program.

11. The Act should earmark with a statutory limit the amount of any appropriation which may be applied to projects of two and three year duration.

    Rationale: Commitment of funds to projects in excess of a single year limits the flexibility of the program by earmarking funds. While such projects form a valuable part of the grant process, statutory limitation will help assure adequate funds in each year for new projects.

12. If such assistance should prove necessary, the Act *may* provide a specific portion of the budget, not more than 5%, for assistance in grant development to those who lack the necessary sophistication for Federal competition.

    Rationale: A contract for such assistance has recently been signed by the Office of Education. This recommendation reflects the Council's continued commitment to this type of activity.

13. The Act should be forward funded.

    Rationale: This will ease the administrative burden should the second component receive appropriations (administrative procedures are adequate for present purposes).

II.
The Career Education Incentive Act

CAREER EDUCATION INCENTIVE ACT (P.L. 95-207)

INTRODUCTION

Signed by President Carter on December 13, 1977, the Career Education Incentive Act authorizes $400 million over five years for career education projects. Under the terms of the Act the definition of career education emphasizes the elimination of sex bias and stereotyping, and the Act as a whole carries that emphasis explicitly into all program areas. The Council was especially gratified by this development since so many of its recommendations -- presented to both House and Senate committees at their request -- were adopted in the final language of the Act.

A regulation is now being developed by the Office of Career Education under the terms of the new regulations development procedures promulgated by the Secretary of HEW. Preliminary schedules in the initial draft of the regulation proposal call for the issuance of a Notice of Proposed Rulemaking (NPRM) in May and Final Rules in July. No Notice of Intent (NOI) is planned for the regulation.

These recommendations serve two purposes: first, they define the issues which should be considered in the development of an NPRM, and second, they address those issues.

The new Act extends and expands the program contained within the Special Projects Act of the Elementary and Secondary Education Act (P.L. 93-380 section 406). The Act, which is scheduled to take effect in fiscal year 1979, has an appropriation for fiscal year 1978 of $10,135,000 under section 406 of ESEA. Under the terms of the new Act, funding could reach $50 million in FY '79, $100 million in FY '80 and '81, $50 million in FY '82, and $[illegible] million in its final year, FY '83. Postsecondary demonstration grants are authorized separately at $15 million each year. States are required to contribute increasing shares of matching funds under the Act.

ISSUES TO BE CONSIDERED IN NPRM DEVELOPMENT

Both public involvement and agency advice should be solicited on the following issues prior to issuing the NPRM.

A. State Plans

1. What should be the minimally acceptable objectives, especially regarding the elimination of sex bias and stereotyping, each state will be required to set each year?

2. How should the methods by which the state intends to achieve its stated objectives be evaluated?

3. What kinds of policies and procedures should be included in the State Plan, and in what detail? Specifically regarding the following:

   a) admissions;
   b) access, especially for geographically dispersed student populations:
   c) pregnant students and others in special programs;
   d) students beyond the traditional age;
   e) review and approval of curricular materials;

f) components of training programs dealing with sex bias and stereotyping;
g) components of guidance, counseling, placement and follow-up programs, especially as they affect sex bias, stereotyping and discrimination;
h) selection and implementation of collaborative relationships with community groups, especially women's groups;
i) selection of sex fair career education-related work experiences for students;
j) data collection on needs and program evaluation to assure that women's -- particularly minority women's -- concerns are adequately addressed;
k) the nature of the State Education Agency's responsibility for local educational agency performance, and methods for discharging that responsibility.

4. How should the states' annual program plans assess the results of compliance with equal access provisions of the law?

5. How should program outcomes be evaluated?

B. State Staffing Requirements

1. How should the expertise of staff hired pursuant to the Act be evaluated? Specifically, with regard to the following:

a) experience in problems of sex discrimination in the labor market and in career education;
b) experience in problems of other types of discrimination in the labor market and in career education.

2. When a state is relieved of its obligations regarding the hiring of staff, as a result of having received the minimum allocation, how should the competencies of its existing staff be evaluated for knowledge of sex discrimination, bias and stereotyping?

3. When such a state cannot show that its existing staff are qualified to deal with the anti-bias and anti-stereotyping aspects of this Act, what course of action should the Commissioner take regarding funding?

C. Evaluation

1. Should data be collected by race, sex, age, handicap and economic status? By all of these factors? By which, if not all?

2. What cross-tabulation efforts should be made to identify problem areas for unique student populations (e.g., black women)?

3. Should a basic data collection requirement be built into every state agreement?

4. How should the elimination of bias and stereotyping be measured?

D. Postsecondary Educational Demonstration Projects

1. By what criteria should projects designed to overcome bias and stereotyping in guidance and counseling be evaluated for award purposes?

2. What objective measures should be required for evaluating the effectiveness of any funded project in overcoming bias and stereotyping?

E. Incentives

What incentives should be built into the program to encourage linkages between it and other anti-bias and anti-stereotyping efforts taking place in the states?

RECOMMENDATIONS FOR REGULATIONS

Although the issues which will be addressed in the formulation of the regulation have not yet been fully defined, the Council feels that the following recommendations should be incorporated into that regulation. Moreover, the Council recommends that the Office of Career Education develop an impact statement on women and other protected groups in the course of regulation development.

A. State Plans

1. The regulation should clearly define the minimally acceptable annual objectives for elimination of sex bias and stereotyping in all aspects of funded career education programs.

2. State plans should be tied to the requirements of Title IX (1972 Education Amendments) and other pertinent Federal and state laws; at no time should a state's plan fall below compliance standards set by these laws.

3. Evaluation of the effectiveness of programs should use both subjective and quantifiable tests, including placements in diverse and non-traditional occupations for participants in programs. All data should be collected and cross-tabulated by race/ethnicity-by-sex.

4. The regulation should require an extensive and very specific policy and procedure statement and verification on all issues which have traditionally evinced bias, stereotyping or discrimination. Policies and procedures should be collected from each local educational agency and upgraded to specific minimal standards by each state educational agency.

5. State educational agencies should be required to approve the plans, policies and procedures of local educational agencies on a pre-award basis. Local educational agencies not meeting Federally mandated minimum standards should not be permitted to become recipients under this Act.

B. Staffing Requirements

1. The regulation should include a provision to ensure that staff hired specifically to fulfill the anti-bias and stereotyping requirements of the Act are fully qualified to perform these functions.

2. States which cannot demonstrate staff competence in combatting sex bias and stereotyping, as required by the Act, should not be permitted to become recipients under the Act.

C. Evaluation

1. The Commissioner should ensure that sufficient data are collected and compiled to permit an accurate picture of the state of the national effort to eliminate sex bias and stereotyping from career education.

2. Such data should be available by race, sex, national origin, age, economic status and handicap, and by any combination of these variables.

3. Every state plan should describe a comprehensive data collection effort being undertaken as part of its overall program evaluation process; such data should be collected by each LEA and aggregated at the state level.

4. All definitions must be sex fair, and "neutral" definitions must be closely examined to determine whether they are actually disguising bias or stereotyping.

5. Objective, quantifiable measures -- such as placement application ratios, or changes in course enrollments, retention rates or achievement levels -- should form the core of any measurement of program success.

6. Evaluation of cost-benefit and cost-effectiveness in overcoming sex bias and stereotyping should include input from program beneficiaries to measure perceived effectiveness and benefit.

D. Postsecondary Educational Demonstration Projects

1. Proposed projects or contracts under this part should be evaluated on an objective point system, which should take into account how the project will address sex bias issues in the following areas:

a) history of the institution or agency in overcoming sex bias, stereotyping and discrimination in education (and specifically in career education);
b) likelihood of success as demonstrated in the care with which the research/program plan is developed and the setting of realistic goals and methods that can be evaluated;
c) total cost of the program in terms of its potential yield for students;
d) innovativeness of approach;
e) appropriateness of the approach to the problem;
f) capacity of the proposal to be implemented -- if successful -- at lower cost in other sites.

2. "National significance" should mean *only* that a project will either
a) address a problem successfully on a national scale; or
b) provide a model program with high replicability.

III.
The Higher Education Act of 1965

HIGHER EDUCATION ACT OF 1965 (P.L. 89-329)
TITLE IV: STUDENT ASSISTANCE (P.L. 92-318)

INTRODUCTION: PART ONE

Title IV of the Higher Education Act of 1965 is the heart of the Federal effort to provide direct financial assistance to needy postsecondary education students. Passed in 1972, it is the counterpart to the Elementary and Secondary Education Act (ESEA), which supplies funds to schools for the education of disadvantaged students in grades K-12. In Fiscal Year 1978, appropriations for the four non-loan programs under Title IV total over $2.9 billion, with the direct and guaranteed loan programs adding another $831 million. Special programs for the disadvantaged (Trio) received $115 million, but Trio programs do not give direct financial assistance to students.

The legislative and regulatory recommendations in the first half of Chapter Three deal with the five non-loan programs. Both loan programs are discussed separately, in the second half of the chapter, due to their complexity and the difference in Council recommendations.

Reauthorization hearings for all programs took place in 1976 and none are scheduled for comprehensive review prior to 1980. It is the Council's hope that the legislative and regulatory changes suggested here will be introduced as amendments to the programs in the interim.

Included in this review are the following sections of the Higher Education Act and of the Code of Federal Regulations:

(BEOG) Basic Educational Opportunity Grant Programs: Sec.411; 45 C.F.R. Part 190
(SEOG) Supplemental Educational Opportunity Grant: Sec.413; 45 C.F.R. Part 176
(SSIG) State Student Incentive Grant: Sec.415; 45 C.F.R. Part 192
(CWS) College Work Study Program: Sec.441-446; 45 C.F.R. Part 175
(TRIO) Special Programs for Students from Disadvantage Backgrounds: Sec.415
Upward Bound 45 C.F.R. Part 155
Special Services for Disadvanted Students 45 C.F.R. Part 157
Talent Search 45 C.F.R. Part 159

Of these programs, the SEOG and CWS are "campus based" aid programs, with great discretion available to financial aid administrators in determining awards. The BEOG is administered directly to the student through a national application procedure which usually originates on a campus. The TRIO programs are special centers and/or projects designed to overcome cultural, economic or physical handicaps and other obstacles preventing academically talented students from completing secondary and/or postsecondary education.

All programs target financial need, in greater and lesser degrees, with SEOG focused on the most critical cases, and TRIO programs on developing skills and motivations as well as (in the case of Talent Search) locating financial aid for which participants may be eligible.

Female students are disproportionately heavy users of all Federal financial assistance programs, and appear to be the primary category of multiple program users (especially in non-loan programs). Data on individual award amounts under BEOG are not collected by sex, making it

impossible to compare total aid amounts awarded by sex. The seriousness of this problem is not limited to BEOG, and is demonstrated by the emphasis the Council has placed on impact studies to determine how women recipients -- and applicants -- are served by the Title IV programs.

Specific regulatory and legislative reforms follow the text of this report at Appendix "B."

GENERAL RECOMMENDATIONS -- Legislative

A. The Higher Education Act and each subpart thereof should include as major purposes of the financial assistance programs the elimination of sex discrimination, bias and stereotyping.

B.* Distinctions between "dependent" and "independent" student status should be eliminated or modified to preclude discrimination against non-traditional students.

C.* Provisions relating to eligibility should make clear that students enrolled for less than half-time should be eligible for financial assistance, provided they meet the requirements for participation by other students.

D. Minimum awards should be reduced or eliminated.

E. Studies to determine the effectiveness of all financial assistance programs in meeting the needs of women and other disadvantaged students should be mandated by the Act.

F. A universal form for application to all Federal and state assistance programs should be required by the Act, and should be the subject of Congressional review on an annual basis (as the family contribution schedule is now).

G. All participating institutions should be required to maintain and forward upon request to the Commissioner or to the Secretary, such records of application and distribution of financial assistance as may be necessary to determine whether equity problems exist in program administration.

H. Barriers to non-traditional student participation should be eliminated. For example, childcare expenditures should be recognized as a legitimate educational expense.

I. The periods of eligibility for aid should be geared to regular academic progress and not to artificial time limitations which disproportionately affect the less than full time student.

GENERAL RECOMMENDATIONS -- Regulatory

A. All regulations promulgated under this Title should include language making specific reference to the applicability of Title IX (1972 Education Amendments; 45 C.F.R. Part 86) and Title VI (1964 Civil Rights Act; 45 C.F.R. Part 80), as well as Section 504 of the Vocational Rehabilitation Act, under 45 C.F.R. 100b. 262, of the General Education Provisions.

B.* The expected family contribution schedule (developed annually under the BEOG program) should be modified to either
   1. Eliminate all distinctions between parental and spousal support; or
   2. Eliminate that distinction for persons with dependents other than a spouse.

C. Childcare and related costs should be specifically defined as falling within the scope of "actual cost of attendance" in computing eligibility for financial aid.

**Discussed in Council testimony; copies available on request.*

D.* The "half-time" enrollment status requirement should be eliminated or modified to prevent discrimination against non-traditional students, particularly parents.

E.* Distinctions between "independent" and "dependent" student status should be modified to prevent discrimination against married students, particularly women with children.

F. All Federal and state financial assistance programs should be keyed into one "universal form" for use by students in applying for assistance; such a form should constitute simultaneous application to all Federally funded financial assistance programs.

G. The Commissioner should undertake, through development of the regulation for each program, a comprehensive investigation to determine, among other things:

1. the universe of need, as measured by applications to programs;
2. the nature and amounts of awards by types of programs;
3. the participation rates of multiple program users by types of programs;
4. all the above by race, sex, national origin, age, economic status and handicap, and by-race-by-sex, as well as by-age-by-sex.

H. Wherever possible, barriers to participation by non-traditional students should be eliminated or modified to encourage participation.

HIGHER EDUCATION ACT OF 1965
Title IV, Part B: Federal, State and Private Programs of Low-Interest Insured Loans to Students in Institutions of Higher Education

(NDSL) National Direct Student Loan
(GSL) Guaranteed Student Loan

Discussed in Council testimony; copies available on request.

INTRODUCTION: Part Two

The National Direct Student Loan is the oldest of the Federal financial aid programs, established in 1958 as the National Defense Student Loan Program (P.L. 85-864). The program is campus-based, as are SEOG and CWS, and provides eligible students with very low interest (3%) educational loans which are funded in part (10%) by the participating institutions. Undergraduate students may borrow a total of $5000, graduates $10,000 (including amounts amassed as undergraduate borrowers).

Repayment occurs over ten years, and the period commences nine months after the borrower ceases full or part-time study. Cancellation of the full loan is possible if the borrower serves as a teacher of the handicapped or in an economically deprived area. Up to 50% of the loan may be cancelled if the borrower serves in the military in an area of hostilities.

Eligibility is based on need.

NDSL is designed to become a self-sustaining revolving loan fund, with repayments eventually maintaining the dollar pool from which loans will be made. In fact, however, the concept has not worked: demand has increased, borrower obligations have not been fully met, and costs associated with attendence (need) as well as administration have risen. As a result, the program has come under constant attack with most critics advocating consolidation with the Guaranteed Student Loan Program, which has higher interest rates. As noted below, women comprise a greater share of the NDSL participants than of the GSL participants.

The GSL program also provides low interest loans (7%), but to students with less demonstrable need. Undergraduates may borrow a total of $7500 and graduate students a total of $10,000. Repayment occurs over a five to ten year period, commencing nine months after cessation of studies. This loan program has been plagued with extremely high default rates

and has been criticized for weak administration.

Female students comprised 49.6% of NDSL borrowers and 45.8% of GSL borrowers in fiscal year 1975. Of all incidents of Federal financial assistance program use, NDSL accounted for 23% and GSL for 20% during this year (duplicated count total of recipients), making these the most heavily utilized aid programs. The average NDSL loan was $690, while the average GSL loan was $1,250 during the year, making the average awards under these programs the highest of all aid programs (BEOG, with an average award of $620, was next).

While women are disproportionately represented in the loan programs (since they constituted only 43% of the potential pool of users), their incidence of use was considerably below that in other programs -- which continues to exceed 54% in all programs other than SSIG, for which reliable data are not available.

Legislative Recommendations

A. Because of the enormous complexity of these programs and the persistence of sex discrimination in banking and lending practices, the Council limits its recommendations to the following:

   1. That Title IV require an exhaustive study of the administration of both programs -- but especially the GSL -- to locate and correct policies and practices with discriminatory impact;

   2. That the relevant sections of the Act adopt language specifically prohibiting sex discrimination in the administration of any phase of the act, including the "neutral" practices of lending agencies under GSL;

   3. That the Act adopt, as a major purpose in its lending programs, the elimination of sex bias, stereotyping and discrimination, and that the entitlement of women to access through loans not be impeded by facially "neutral" criteria with discriminatory impact (such impact to be measured by the applciation pool, or some variable of the universe of need, as opposed to the pool of potential users).

B. Such other provisions as are applicable under "General Recommendations" for Title IV should be applied.

Regulatory Recommendations

A. Section 177.7 should be amended to include "sex" under civil rights requirements established for guarantee agencies and direct state loan agencies.

B. Similar provisions should be made under Section 144, as related to Title IX.

C. Such other provisions as are applicable under "General Recommendations" for Title IV should be applied.

IV.
The Civil Rights Act of 1964

CIVIL RIGHTS ACT OF 1964 (P.L. 88-352)
TITLE IV: DESEGREGATION OF PUBLIC EDUCATION (amended June 23, 1972: P.L.92-318 sec. 906(a)) (45 C.F.R. Part 180)

INTRODUCTION

Title IV provides techinical assistance, expert consultation and employee training to public schools with problems or special needs incident to desegregation on the basis of race, color, religion, sex, national origin or language. While most activities authorized to achieve "sex desegregation" are keyed to Title IX of the 1972 Education Amendments, Title IV assistance is not limited to Title IX related activities. In addition, section 407 of Title IV authorizes the Attorney General to bring civil action to promote desegregation on the basis of race, color, religion, sex or national origin upon request by persons without means to undertake private litigation. At present, however, the significance of Title IV for the Council lies in the fact that it is the only national program with funds specifically designated to provide technical assistance in overcoming sex discrimination in the nation's elementary and secondary schools.

In its Fiscal '77 budget justification, the Department of Health, Education and Welfare projected 65 grants for sex desegregation projects, but only 14 were actually awarded. The remainder have been made to General Assistance Centers, school boards, state educational agencies and Type D Training Institutes, none of which deal exclusively with sex discrimination. Of the $34.7 million appropriated in FY '77 under Title IV, only $1.5 million (4%) went to projects specifically focusing on sex discrimination. Nor is it possible to determine, from tracking methods employed by Title IV administration, how effective the sex discrimination efforts of recipients other than Type S desegregation institutes were, or to track the amount of money invested in such efforts.

Interestingly, a May 1977 report commissioned with the Rand Corporation by the Office of Education to examine the effects of expanding Title IV program responsibilities to include sex desegregation found that, of the recipients other than Type S Training Institutes (which deal primarily with sex desegregation), state educational agencies were *most likely* to undertake sex desegregation efforts. Unfortunately, a high level of state commitment was necessary for any SEA run project to be judged successful, and only a very few appear to have achieved the requisite level of commitment (2 of 13 discussed). Of the FY '77 appropriation, SEA's received $7.4 million which was spread among 44 state programs. Type D Training Institutes, which deal primarily with race desegregation, tended to "piggyback" sex desegregation efforts onto their race desegregation programs when they undertook them. Many GAC's were concentrating almost exclusively on race desegregation. Overall, sex discrimination appears to be underprioritized within Title IV programs.

Draft proposals of new regulations for this program, while representing a small gain in emphasis on sex desegregation, do not warrant greatly increased confidence in the program's ability to handle sex desegregation problems.

LEGISLATIVE RECOMMENDATIONS

1. Appropriations should be increased and earmarked to reflect the true proportions of the problems addressed by Title IV, and to diminish the tendency for limited funds to result in competition between disadvantaged groups.

2. Provision should be made to permit GAC's and Training Institutes located on postsecondary campuses to engage in activities designed to provide pre-service training for elementary and secondary school teaching and counseling students.

REGULATORY RECOMMENDATIONS

1. All bilingual and race desegregation projects should address the special needs of minority and bilingual women and girls; and all sex discrimination projects should address the special needs of minority and bilingual women and girls.

2. Staffs of all GAC, SEA, Training Institutes and school boards receiving funds should include persons who are knowledgeable about the special problems of sex discrimination, bias and stereotyping in education.

3. Staffs of all GAC, SEA, Training Institutes and school boards receiving funds should have appropriate representation of both sexes and racial and ethnic (bilingual) minorities. (Appropriate representation is that representation which generally reflects the percentage of women and minorities in the service population.)

4. Tracking systems should be implemented which will permit the direct monitoring and evaluation of efforts to overcome sex desegregation.

5. Awards for sex desegregation efforts should be made under special conditions which permit tracking and evaluation.

V.
The Higher Education Act of 1965

HIGHER EDUCATION ACT OF 1965 (P.L. 89-329, as amended)
Title VIII (P.L. 94-482, Title I, Part D, sec. 129(b)) (45 C.F.R. Part 182)
COOPERATIVE EDUCATION

INTRODUCTION

The purpose of this program is to assist postsecondary institutions in establishing, strengthening or expanding education programs which combine work and study experiences by alternating periods of work and study. Such employment is intended to enable students to obtain both funds for their education and job experience related to their academic or occupational objective. Grants and contracts for training administrative personnel and research into ways to improve programs are also authorized. Matching funds are required from participating institutions in increments which increase over a five year span from nothing in the first year to a minimum of 70% in the fifth.

A final regulation is currently being developed. A notice of proposed rulemaking (NPRM) was printed in the *Federal Register* on September 9, 1977, with a closing date for comments of October 25, 1977. The Act is authorized thorugh 1982.

GENERAL RECOMMENDATIONS

1. The regulation should be amended to accommodate students who attend less than half-time.

2. The term "educationally related work experience" should be defined to include both traditional and non-traditional skills development and career exploration.

3. The regulation and the Act should include as a primary goal of the program the elimination of bias and stereotyping on account of sex, race, age, national origin and handicap.

VI.
The Education Amendments of 1976

EDUCATION AMENDMENTS OF 1976 (P.L. 94-482)
TITLE III PART D: GUIDANCE AND COUNSELING

INTRODUCTION

This legislation authorizes three guidance and counseling initiatives to 1) provide programs, projects and leadership activities by the states, 2) increase coordination of guidance and counseling activities at the Federal, state and local levels, and 3) improve the qualifications of guidance and counseling personnel with emphasis on inservice training related to the world of work. A final regulation was issued in August 1977, and the program is authorized through Fiscal Year 1979 for a maximum appropriation of $20 million in both FY '78 and '79. The Council submitted extensive comment on the proposed regulation (copies of comments available on request) and was succesful in upgrading its empahsis on elimination of sex bias and stereotyping.

The recommendations below identify areas in which the program can be improved through additional Federal action, and generally reflect the special concern of the Council in this area.

GENERAL RECOMMENDATIONS

1. Before reauthorization, the statute should be amended to include provisions for the prevention and elimination of sex discrimination, bias and stereotyping. This should be accomplished through addition of appropriate language to section 341 (Findings) and section 344 (Program Authorized).

2. Following amendment, the regulation should be revised to require special emphasis by fund recipients on elimination of sex discrimination, bias and stereotyping.

3. Adequate funds should be appropriated to implement the grants program for FY '78.

VII.
The Elementary and Secondary Education Act

ELEMENTARY AND SECONDARY EDUCATION ACT
(P.L. 89-10)

INTRODUCTION

This Act, scheduled for reauthorization in FY '78, provides funds for educational research and special programs for children from low-income families, for other disadvantaged children and for other purposes. While the Act itself does target sex equity issues, some state agencies have used funds received under ESEA for this purpose. Work on sex equity could be accelerated, without deviating from the basic intents of the Act, by several fairly simple changes. Of particular interest are the following sections of the Act:

Title I : Federal Assistance to Local Educational Agencies for the Education of Children of Low-Income Familes (P.L. 93-380)

Title II : School Library Resources, Textbooks and other Instructional Materials (P.L. 93-380)

Title III : Supplementary Educational Centers and Services: Guidance, Counseling and Testing (P.L. 93-380)

Title IV : Libraries, Learning Resources, Educational Innovation and Support (P.L. 93-380)

Title V : Strengthening State and Local Educational Agencies

Title VII : Bilingual Education Programs (P.L. 93-380)

Title VIII: General Provisions
- Section 801: Definitions (P.L. 91-230)
- Section 807: Dropout Prevention Projects (P.L. 93-380)
- Section 810: Improvement of Educational Opportunities for Indian Children (P. L. 93-380)

GENERAL RECOMMENDATIONS: Legislative

A. Sex equity concerns should be specifically addressed in the introductory language of each title of the Act as appropriate.

B. Discretionary and formula funding programs should contain requirements for pre-award reviews of recipient compliance with all equity laws.

C. Data indicating impact of programs on girls and women (particularly those in "double jeopardy" categories) should be collected routinely; requirements for such collection should be built into each program statute.

D. Instructional, career, guidance, counseling and other informational tools developed under each program should be required to sex fair; toward this end, "sex fair" should be defined in each program statute.

E. Child care should be included as an allowable cost in each program (including construction programs) serving women of child-bearing age.

F. All advisory councils created under ESEA should be required to include persons who are knowledgeable about the special problems of sex discrimination in the program area.

Detailed recommendations for each title/section are included in this report as "Appendix C."

Appendix A

FRAMEWORK FOR ANALYSIS OF LEGISLATION AND REGULATIONS

Although there are differences between legislation and regulation as *categories* of Federal action and *individual pieces* of legislation or *individual* regulations, sufficient commonality exists across the board to permit a "checklist" approach to analysis of any education related statute or regulation. Not every piece of legislation or every regulation will contain all the components in the checklist, but a majority will contain most of the components.

Where appropriate, consider the following:

1. STATEMENT OF PURPOSE should refer to elimination of sex bias, stereotyping and discrimination as a major purpose, and/or make the promotion of sex equity a major purpose;
2. FUNDING MECHANISMS, whether by formula or discretionary process, should maximize impact on girls and women.
3. ELIGIBILITY REQUIREMENTS should be checked to assure both facial neutrality and non-discriminatory effects;
4. APPLICATION PROVISIONS, including state plans, should describe the procedures which will be used to preclude sex discrimination, bias and stereotyping, and to overcome the effects of past discrimination;
5. DATA should be collected, analysed and reported in a way that assures isolation of program and policy problem areas for women and girls, and particulary for those who are in one or more "double jeopardy" category, such as minority or older women;
6. ADVISORY COMMITTEE MEMBERSHIPS should require a balanced sex ratio and membership of persons knowledgeable about sex bias and stereotyping;
7. NON-DISCRIMINATION PROVISIONS should form part of the main text and should target beneficiaries as well as procedures for implementation or enforcement of the provisions themselves;
8. MANDATED STUDIES should include impact of the program on women and/or girls;
9. DEFINITIONS should contain provisions defining the activities of the act as free of, or designed to eliminate, sex bias, stereotyping and discrimination;
10. MATERIALS DEVELOPMENT provisions should assure that new materials will be sex fair and that training materials will be designed to overcome or compensate for sex biased materials already in use;
11. AUTHORIZATION/APPROPRIATION LEVELS should explicitly recognize and deal with the need for staff and set aside funds to implement special programs to deal with sex equity concerns in the program;
12. SEX NEUTRAL LANGUAGE should be used in all cases, unless it is essential to the meaning of a provision that gender specific language (e.g., "he") be used;
13. STAFFING PATTERNS of both applicants and program administrators should reflect a commitment to sex equity.

Appendix B

HIGHER EDUCATION ACT
TITLE IV

BEOG -- LEGISLATIVE RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations."

B. Section 411 (a)(2)(B)(i): change to base awards on financial need rather than "actual cost."

C. Section 411 (a)(2)(B)(iii): lower the minimum award for which a student may be eligible from $200 to $100 or less.

D. Section 411 (a)(2)(B)(iv): add "childcare and related expenses" as an example of "actual cost" (NOTE: if amended, as an example of an expense permissible in computing need).

E. Section 411 (a)(3)(B)(2)(VI): delete "children" from the line which now reads, "Any educational expenses of other dependents children in the family."

F. Section 411 (a)(4)(A): add a subsection, to read:

> (iii) is enrolled in a course of study on a less than full time basis, in which case the duration of eligibility shall be measured by criteria to be set forth by the Commissioner in regulations;

G. Section 411 (a)(4)(A): Change the concluding line to read:

> *except in the case of clause (iii), above, which shall be determined by the Commissioner in regulations,* such period may be extended for not more than one additional academic year.

BEOG -- REGULATORY RECOMMENDATIONS (45 C.F.R.: Part 190)

A. As appropriate, those listed under "General Recommendations."

B. The regulation should be reviewed in its entirety, but particularly with regard to definitions of "dependent" and "independent" status, to eliminate the distinction between parental and spousal support sources.

SEOG -- LEGISLATIVE RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations."

B. Section 413B. (a)(2)(B): lower the minimum award for which a student may be eligible from $200 to $100 or less.

C. Section 413B. (b)(1)(B): add a clause to read:

(iii) is enrolled in a course of study on a less than full time basis, in which case the duration of eligibility shall be measured by criteria to be set forth by the Commissioner in regulations;

D. Section 413B. (b)(1)(B); change the concluding line to read:

except in the case of clause (iii), above, such period may be extended for not more than one additional academic year.

SEOG -- REGULATORY RECOMMENDATIONS (45 C.F.R. Part 176)

A. As appropriate, those listed under "General Recommendations."

B. Section 176.2(r): amend to delete distinction between spousal and parental support sources.

C. Section 176.9(b)(1): change "cost of education" to read "financial need."

SSIG -- LEGISLATIVE RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations."

B. Section 415C. (b)(1): amend to read:

"is administered by a single State agency *which has given evidence of compliance with Title IX of the Education Amendments of 1972, Title IV of the Civil Rights Act of 1964, Section 504 of the Vocational Rehabilitation Act, as well as such other statutes of similar intent as the Commissioner may determine in regulations;*

C. Section 415C. (b)(2): supply the outlines of an award scale for part-time studerts.

D. Seciton 415C. (b)(3): add language to assure a minimum consistency in definitions of "need" with those developed under other financial assistance statutes.

SSIG - REGULATORY RECOMMENDATIONS (45 C.F.R. Part 192)

A. As appropriate, those listed under "General Recommendations."

B. Section 192.7(a): change as follows:

. . . Such standards *shall* include, but are not limited to"

CWS -- LEGISLATIVE RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations" as applicable.

B. Section 447(b): add a section requiring that each institution secure an assurance of compliance with equity statutes from each employer with

which it places students.

CWS -- REGULATORY RECOMMENDATIONS (45 C.F.R. Part 175)

A. As appropriate, those listed under "General Recommendations as applicable.

B. Make specific reference to the requirement, under Title IX and other statutes, that the recipient institution must assure the non-discriminatory treatment of students it places with employers under this Act.

TRIO -- LEGISLATIVE RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations" which may be applicable.

B. Section 417A. (a): add all language targeting specific groups within the umbrella "low income families" categories; such targeted groups should include single parent families in addition to those groups named elsewhere in the Act.

C. Counseling components of programs funded under this Act should pay special attention to meeting the needs of women suffering from multiple discriminations, biases and stereotypes.

TRIO -- REGULATORY RECOMMENDATIONS

A. As appropriate, those listed under "General Recommendations" which may be applicable.

B. Section 157: Special Services for Disadvantaged Students

1. Section 157.5 (a)(1): amend as follows: ". . .and a description of the ethnic/racial background *and sex* of the students to be served. . . ."

C. Section 159: Talent Search

1. Focus on drop-outs should include pregnancy-related drop-outs.

Appendix C

LEGISLATIVE RECOMMENDATIONS
ELEMENTARY AND SECONDARY EDUCATION ACT (P.L. 89-10, as amended)

Title I

A. As appropriate, those listed under "General Recommendations."

B. Section 131(b)(2): add a section to read: (D) living in single parent households.

C. Section 131 (amended as above): (b)(2)(D)(i)
Add a clause indicating that the number of children living in single parent homes will be determined by the Commissioner from records supplied directly from local edcational agencies, or from any other satisfactory source, such as Aid to Families with Dependent Children.

D. Section 141: add a requirement for an impact statement on sex equity as a condition for funding.

Title II

A. As appropriate, those listed under "General Recommendations."

B. Section 203: each state plan should include specific reference to methods by which it will assure the absence of sex bias and stereotyping in materials under this part.

Title III

A. As appropriate, those listed under "General Recommendations."

B. Section 303 (b)(3): add a subsection assisting development of projects designed to encourage sex equity.

C. Section 303 (b)(3): amend all appropriate subsections to include specific reference to equity issues, particularly subsections (A), (B), (C), (E), (H) and (I).

D. Section 305: each state plan should contain a comprehensive equity impact statement.

E. Section 306: include sex equity issues as a specific example of a "substantial contribution to the solution of critical educational problems common to all or several States."

Title IV

A. As appropriate, those listed under "General Recommendations."

B. Section 421 (a)(3): add a clause indicating that approved plans should guarantee sex fairness, and where possible, should encourage students to overcome traditional sex-based limitations.

C. Section 431 (a)(1): add, as an example of "vitally needed educational services," programs designed to overcome and compensate for sex bias and stereotyping.

Title V: Legislative Recommendations

A. As appropriate, those listed under "General Recommendations."

B. Section 503: add, as an example of programs eligible for funding, those designed to comply with Civil Rights laws, and particularly to develop innovative managerial, curricular and extra-curricular solutions to the problem of mainstreaming equity concerns.

C. Section 503: modify examples, as appropriate, to include specific mention of sex equity issues particularly, (1), (2), (3), (4A), (4B), (4C), (4D), (5), (6), (9) and (11).

D. Section 505: add, as an example of projects holding "promise of making a substantial contribution to . . . problems common to the State educational agencies of all . . . States," those dealing with overcoming barriers to sex equity for students, including management, community curricular and extra curricular barriers.

Title VII

A. As appropriate, those listed under "General Recommendations."

Title VIII

Section 801: define "sex equity", "equity," "discrimination," "stereotyping" and "bias."

Section 807: amend to include prevention of dropout due to pregnancy.

Section 810(a): add a section authorizing programs dealing with "double jeopardy" issues common to Indian girls and women.

*U.S. GOVERNMENT PRINTING OFFICE:1978 734-992/674 1-3